

HOUSE BILL NO. 135

INTRODUCED BY K. FUREY

BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING TRANSPORTATION REIMBURSEMENTS FOR

6 SCHOOL BUS ROUTES OPERATED WITHIN THE 3-MILE LIMIT FOR REASONS OF STUDENT SAFETY;

7 ALLOWING REIMBURSEMENT FOR ROUTES OPERATED FOR THE PURPOSE OF CONVEYING PUPILS

8 AMONG SCHOOL FACILITIES FOR CONVENIENCE AND EFFICIENT USE OF FACILITIES IN THE

9 PROVISION OF K-12 EDUCATION; INCREASING RATES IN THE SCHEDULE OF MAXIMUM

10 REIMBURSEMENT PER BUS MILE; AMENDING SECTIONS 20-10-122 AND 20-10-141, MCA; AND

11 PROVIDING AN EFFECTIVE DATE."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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15 **Section 1.** Section 20-10-122, MCA, is amended to read:

16 **"20-10-122. Discretionary provision of transportation and payment for this transportation.** (1) The

17 trustees of any district ~~also~~ may provide school bus transportation to any pupil of a public school who is not an

18 eligible transportee of the district:

19 (a) on a school bus conveying eligible transportees when the ineligible transportee will not displace an

20 eligible transportee from ~~such the~~ school bus because of the lack of seating capacity;

21 (b) on a school bus operated by the district for the sole purpose of providing transportation for ineligible

22 transportees. ~~Such school bus shall service those children living the greatest distance from the school to be~~

23 ~~attended;~~ or

24 (c) on a school bus operated for the purpose of relieving congestion in a school building, ~~or~~ to avoid the

25 necessity of erecting a new ~~building~~ school facility, to help ensure the safe transportation of pupils to and from

26 school, or for any other reasons of economy, safety, or convenience.

27 (2) When the trustees of a district provide school bus transportation to an ineligible transportee under

28 the conditions of subsection (1)(a) or (1)(b), the district may charge each ineligible transportee ~~his~~ a proportionate

29 share, as determined by the trustees, of the cost of operating ~~such the~~ school bus. Money realized from ~~such the~~

30 ~~payments shall~~ must be deposited to the credit of the transportation fund.

1 (3) The trustees may provide transportation for an eligible or ineligible transportee who attends a school
 2 of the district on a bus route operated for the purposes of relieving congestion in a school building, avoiding the
 3 need to erect a new school facility, or for any other reasons of economy, safety, or convenience. The bus routes
 4 must be operated only to transport pupils among instructional settings used by the school district on a regular
 5 basis and may not be operated to transport pupils for field trips or extracurricular activities.

6 (4) School bus routes established and operated by the trustees in compliance with provisions of this part
 7 and approved by the county transportation committee under 20-10-132 may be eligible for state and county
 8 transportation reimbursements provided by 20-10-141 whether or not riders are eligible transportees."

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10 **Section 2.** Section 20-10-141, MCA, is amended to read:

11 **"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The mileage rates in
 12 subsection (2) for school transportation constitute the maximum reimbursement to districts for school
 13 transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and
 14 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in
 15 order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal
 16 year. All bus miles traveled on bus routes approved by the county transportation committee are reimbursable.
 17 Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school
 18 bus when the location is more than 10 miles from the school. A district may approve additional bus or nonbus
 19 miles within its own district or approved service area but may not claim reimbursement for the mileage. Any
 20 vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be
 21 a school bus, as defined by this title, driven by a qualified driver on a bus route approved by the county
 22 transportation committee and the superintendent of public instruction.

23 (2) (a) The rate for each bus mile traveled must be determined in accordance with the following
 24 schedule:

- 25 (i) ~~95 cents~~ \$1.05 for a school bus with a rated capacity of not more than 49 passenger seating positions;
 26 (ii) ~~\$1.15~~ \$1.27 for a school bus with a rated capacity of 50 to 59 passenger seating positions;
 27 (iii) ~~\$1.36~~ \$1.50 for a school bus with a rated capacity of 60 to 69 passenger seating positions;
 28 (iv) ~~\$1.57~~ \$1.73 for a school bus with a rated capacity of 70 to 79 passenger seating positions; and
 29 (v) ~~\$1.80~~ \$1.98 for a school bus with 80 or more passenger seating positions.

30 (b) Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of ~~50~~ 55 cents a mile.

1 (3) The rated capacity is the number of passenger seating positions of a school bus as determined under
2 the policy adopted by the board of public education. If modification of a school bus to accommodate pupils with
3 disabilities reduces the rated capacity of the bus, the reimbursement to a district for pupil transportation is based
4 on the rated capacity of the bus prior to modification.

5 (4) The number of pupils riding the school bus may not exceed the passenger seating positions of the
6 bus."

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8 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007.

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